Amendments C158 and C161

Mitchell Planning Scheme

Beveridge North West Precinct Structure Plan

Expert Planning Evidence

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instructed by

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1. INTRODUCTION

1.1. Basis of evidence

(1) This expert evidence report on statutory and strategic land use planning matters has been researched and prepared by Robert Milner.

(2) Robert Milner's qualifications, competence, and experience to provide a professional opinion on the matters addressed in this report are detailed in the attached witness statement and curriculum vitae - **Attachment 1 and 2.**

(3) Robert Milner provided expert planning evidence on behalf of Mitchell Shire Council in the earlier consideration of Amendment C106 to the *Mitchell Planning Scheme* (**MPS**) and the *Beveridge North-West Precinct Structure Plan* (**BNWPSP**).

1.2. Purpose

(4) This report has been sought by Maddocks, lawyers on behalf of Mitchell Shire Council in relation to:

- two exhibited amendments to the *Mitchell Planning Scheme* relating to Beveridge North-West (**BNW**) and
- a planning permit application (PLP 268 /2019) (**Permit**) for stone extraction and the creation of access to a road zone. on land 175 Northern Highway, Wallan (the proposed quarry).

(5) **Amendment C158mith** advances a revised BNWPSP addressing the 17 recommendations of the Panel that considered Amendment C106.

(6) **Amendment C161mith** details an infrastructure contribution plan, required to implement, and fund the revised BNWPSP.

1.3. Background

(7) Submissions to the amendments and the merits of the Permit are to be considered by a Ministerial Advisory Committee in accordance with Terms of Reference (**ToR**) issued by the Minister for Planning on 26 October 2021.

(8) The circumstances in which a second amendment is exhibited to facilitate the BNWPSP are detailed in the ToR.

(9) This evidence assumes the Advisory Committee has familiarised itself with the Panel Report to Amendment C106mith and the exhibited amendment documentation to C158 and for the sake of brevity does not summarise that background but refers to it as necessary in this report.

(10) The C106 Panel report provides a succinct summary of the relevant planning framework and policy context to precinct structure planning in and around Beveridge North-West and the competing considerations of growth area planning and resource extraction. Because of its recent timing I rely upon that summation as appliable to this amendment commenting only on relevant policy references.

(11) This report also assumes the Advisory Committee has familiarised itself with the permit application documentation.

1.4. Instructions

(12) My letter of Instructions is reproduced at **Attachment 3.**

(13) I have been asked to confine my opinion to matters associated with:

- the proposed quarry and the PSP,
- the impact of the proposed controls in the proposed Special Control Overlay, and
- the merits of granting a permit for the quarry under the proposed controls.
- The required buffers.

(14) While the instructions sought a preliminary opinion, none was provided due to timing and availability constraints.

2. CONTEXT

2.1. Uncertainty and risk

(15) Uncertainty and risk were two major themes weaved throughout evidence and submissions to Amendment C106 and remain principal considerations in revisiting the BNWPSP in C158mich and the planning permit application to establish a quarry and undertake stone extraction on the land at 175 Northern Highway Wallan.

(16) The uncertainty and risk in C106 were associated with environmental risk, land use conflict and orderly development of the north metropolitan growth corridor.

(17) Those considerations arise as a quarrying, with agreed off site amenity and conflicts - extending to 500 metres beyond the works area - would be undertaken potentially concurrently with the intended development of sensitive land uses on nearby land in the growth corridor, The quarrying would require buffers and limits on sensitive uses and development covering future urban land, not owned, controlled or secured by the quarry proponent.

(18) The uncertainty, risk and implications were of such magnitude and consequence that I among other planning experts formed a view that despite policy support and some community benefits for the stone extraction, the net community benefit favoured leaving the resource in the land and facilitating the orderly, timely and coordinated delivery of urban development and infrastructure, as exhibited in the BNWPSP.

(19) The C106 Panel Report acknowledged the uncertainty and risk presented but on balance concluded that the net community benefit would be better served by protecting the opportunity for resource extraction ahead of the urbanisation of part of Beveridge North-West.

(20) The C106 Panel recommended revising the amendment to explicitly enable the opportunity for precinct level planning for resource extraction on the land addressed by Works Authority 1473, as well as 16 other changes related to the Rural Conservation Zone, affordable housing, bushfire, and biodiversity

(21) The revised Amendment C158mith includes a response to those recommendations. As it relates to the north-east quadrant of the PSP and the area identified for potential stone extraction it provides for the following:

- Rezoning of the land from Urban Growth, Urban Flood and Rural Conservation Zones to the 3rd Schedule of the Urban Growth Zone and 2nd schedule to the Rural Conservation Zone.
- The application of the 2nd schedule to the Specific Control Overlay with its encumbrance over part of the BNWPSP and on land to the north of Hadfield Road West, located outside the boundaries of the BNWPSP.
- Inserting a 4th Schedule to the Incorporated Plan Overlay,
- Incorporation of the *Part A Version* of the *Beveridge North-West Precinct Structure Plan, April 2022'* and the *Extractive Industry & Buffer Area BEVERIDGE NORTH-WEST Incorporated Document* (**Incorporated Document**) at Clause 72.04.

(22) In summary the role of this evidence and part of the task of the Advisory Committee is to determine whether the revised BNWPSP, and the Specific Control Overlay - Schedule 2 (**SCO2**) and its associated Incorporated Document would provide an appropriate framework of controls and conditions to enable the timely conduct of resource extraction without inappropriate impact on the fair and orderly development of the growth area and whether the proposal advanced in PLP 268 / 2019 is an appropriate response in that context and the broader planning policy framework.

(23) To use a theatrical analogy, I interpret the C106 Panel and the exhibited Amendment C158mith seeking to enable a 'choreographed' transition of land uses in part of BNW in which temporary quarry activity (if it does occur) might be undertaken within a defined and constrained time frame to secure an appropriate quantity of the stone resource, to the community's benefit.

(24) The transition is sought to eventuate in such a manner that when urban development is permitted to occur the presence and activities of the quarrying do not, as a minimum, unreasonably:

- hinder or impact the timely development of adjoining land,
- hinder or escalate the cost and delivery of physical and community infrastructure, and

enable the rehabilitated quarry to be 'seamlessly' integrated with the balance of the use and development within the PSP.

2.2. The variables at play

(25) The 'choreography' required is complex, multifaceted and beyond the power of anyone or group of stakeholders to entirely control. It encompasses:

- The lifespan of the quarry and its rehabilitation including the start date for extraction: the demand and competing sources of supply of comparable resources and suitable quantities of fill; the quality of the resource, the business and operational plans relied upon, and the viability, continuity and ownership of the land, business and operations.
- The owners of land affected by the buffer distances; the reasonable expectations for their land and the cost impost of being unable to use and develop their land because of the off-site implications of the quarry.
- Urban growth rates and the number of development fronts in Beveridge, Wallan and the northern corridor; the timing and take up of urban land and the variability in the potential sequences of development.
- The timing and access to trunk utility services and infrastructure and any dislocation caused by quarrying and delay in developing intervening land.
- The influences of currently observed macro changes in international and national migration and its impact upon the rate of metropolitan growth.
- Changes in the cost and interest on money for land development and house purchase.

(26) These issues were in part identified and discussed by the C106 Panel[1] where it drew the following conclusion:[2]:

> *The Panel considers that a fixed resource extraction time say maximum 30- years cannot be predicted with any certainty. The extraction period will inevitably respond to external forces influencing the demand for resources and may or may not extend beyond the PSP's area.*
>
> *The Panel concludes:*
>
> - *Given the timeframes being considered, out to 30-50 years in the future, the level of certainty of any forecasts of urban development rates or stone extraction are inherently uncertain.*
> - *It is possible, if not likely, that urban development approaching a future quarry may be held back for some time, perhaps a decade or more, if extraction is permitted,*
> - *Depending on timing, the potential economic impact on the PSP of delay may be significant, if temporary.*

[1] Pages 34-36 Panel Report C106 MPS
[2] Page 36 Panel Report C106.MPS

3. STRATEGIC POLICY CONTEXT

3.1. Timing and orderly conduct of land use and development

(27) There are themes of Victorian planning policy and provisions that seek to:

- protect scarce and strategically important stone resources within Extractive industry Interest Areas (**EIIA**) which may be required for future use, from inappropriate use and development [3], and
- encourage exploration and extraction of natural resources within acceptable environmental standards[4].

(28) However, these themes are not to be understood, and applied in isolation and without consideration and integration with the broader framework of diverse and in some cases competing strategic planning policy objectives covering the same land.

(29) Prime competing policy considerations in this matter are that the land covered by the EIIA is also identified as a metropolitan growth area, and an area of 'Landscape Values' in the *North Growth Corridor Plan* (2012) (**NGCP**) (Figure 1).

(30) The NGCP created expectations of landscape conservation as well as for the supply of urban land[5], the conduct of structure planning[6] and the sequencing of development[7].

[3] Clause 52.09MPS
[4] Clause 14.03-1S MPS
[5] Clause 11.02-1S MPS
[6] Clause 11.02-2S MPS
Clause 11.02-3S MPS
[7] Clause 11.02-3S MPS

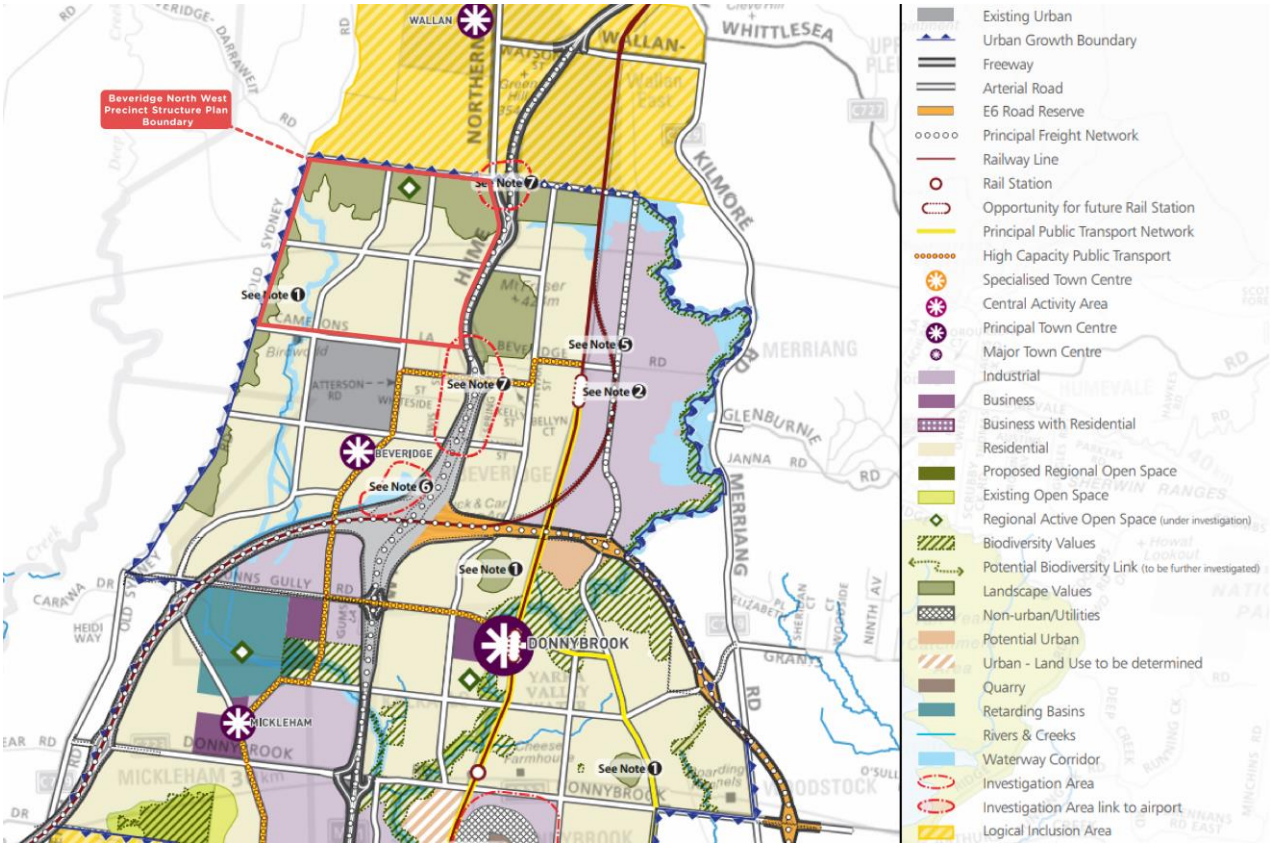


Figure 1: North Growth Corridor Plan (2012)

(31) Each of the latter three policy expectations is informed by timing and implementation considerations, such as:

- A sufficient supply of land for a range of nominated uses to meet forecast population needs over at least 15 years.[8]
- New land is released in growth areas in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.[9]
- To facilitate the orderly development of urban areas including the logical and efficient provision of infrastructure[10].

[8] Clause 11.02-1S MPS
[9] Clause 11.02-3S MPS
[10] Clause 11.02-2S MPS

- Manage the sequence of development in growth areas so that services are available early in the life of new communities and infrastructure planning and funding is cost efficient and better coordinated,

(32) Informed by *Policy 1.4.2* in *Plan Melbourne 2017-2050* and other policy and strategy references[11] the Amendment C106 Panel gave weight in its recommendations for stone extraction to proceed urban development because Beveridge North-West is included within an EIIA and to the policy's preference that the sequence of urban development in growth areas should allow strategic resources such as valued sand and stone to be extracted ahead of establishing urban areas.

(33) That policy envisages urban development proceeding around buffer areas with subsequent infill occurring after extraction and rehabilitation.

> *"if not managed, urban encroachment, rural residential expansion and other incompatible development will constrain the operations of existing quarries and curtail future supplies of extraction resources – endangering Melbourne's medium – to long term supplies.*

(34) In Amendment C158mith the planning authority is called upon to integrate stone extraction with the timely and orderly development of one of Melbourne's 'newest sustainable communities.

(35) While the planning policy framework on natural resources and extractive industries references protecting resources for the medium and long term needs of the community it is silent on stipulating or sequencing when any source of natural material might or should be excavated.

(36) With an eye on the net community benefit, it is appropriate to weigh and balance the attainment of different planning objectives and opportunities for the conduct of two conflicting land uses on the same land by considering times frames and limits when each activity might commence and in the case of resource extraction when and how it should be completed.

[11] Planning Practice Note 89 and Helping Victoria Grow: Extractive Resources Strategy

(37) Time limits on use and development have long been recognised as a legitimate tool in managing appropriate use and development, with 'sunset' and 'interim' provisions written into planning schemes providing a period in which an opportunity can be realised, and time limits placed as conditions of permit on the days and / or periods when permitted activities might be undertaken.

(38) In theory this planning technique applied in this matter offers the prospect of the 'best of both worlds', and the community can be provided with an appropriate level of assurance / certainty that its diverse objectives and plans will be realised.

3.2. Land use compatibility and managing environmental risk

(39) Within the above context the planning policy framework provides a further level of protection to ensure the concurrent and / or sequential conduct of a sensitive land use and resource extraction occurs in a compatible manner and manages potential environmental risks.

(40) Land use compatibility policy seeks to protect the community amenity, human health and safety while facilitating appropriate uses with potential adverse off-site impacts.

(41) This is to be achieved by land use separation, siting, building design and operational measures.[12]

- Noise abatement policy seeks to assist the control of noise effects on sensitive land uses, by using a range of building design, urban design and land use separation techniques so as not to prejudice community amenity and human health.[13]

- Air quality management policy seeks to assist the protection and improvement of air quality by among other measures integrating land use and transport

[12] Clause 13.07-1S MPS – this clause requires consideration as relevant of the *Recommended separation distances for industrial residual air emissions* (Publication 1518, EPA March 2013)
[13] Clause 13.05-1S MPS

planning and ensuring wherever possible, that there is a suitable separation between land uses that reduces air amenity and sensitive land uses[14].

- Resource exploration and extraction policy is to be achieved by maintaining appropriate buffers among other techniques. The policy states that when applying for a planning permit for excavation to ensure buffer areas are clearly defined appropriate to the nature of the proposed extractive uses, and*'.....which are to be owned or controlled by the proponent of an extractive industry*.'[15]

  In determining the buffer to sensitive land use consideration is to be given to:

  - *Appropriate limits on effects can be met at the sensitive locations, using the practical and available technology,*
  - *Whether a change in land use in the vicinity of the extractive industry is proposed.*
  - *Use of land within the buffer areas is not limited by adverse effects created by the extractive activities,*
  - *Performance standards identified under the relevant legislation.*

[14] Clause 13.06-1S MPS
[15] Clause 14.03-1S MPS a strategy to achieve the objective of the policy.

4. C158 AS IT APPLIES TO RESOURCE EXTRACTION

4.1. Relevant proposed provisions

4.1.1. Beveridge North-West PSP

(42) Part of the *Vision* of the PSP[16] as shown in the Part A tracked changed version has been specifically amended to read:

- *The PSP will develop over an approximate 20–30-year duration. During the development of the precinct, there may be a quarry as per Works Authority 1473. The Planning Scheme limits any extraction works in any quarry to an extraction timeframe of 20 years. Following cessation of any quarry and rehabilitation to a residential standard, urban development will continue to develop as set out in the PSP.*

(43) Section 2 of the PSP acknowledges the precinct may develop in conjunction with a time-restricted quarry and the boundaries of WA 1473. A 250m blast zone and 500m amenity buffer area have been outlined on the *Urban Structure Plan* in the PSP (Figure 2).

(44) In addition, the interface between the residential and landscape values in the locality of WA 1473 have been identified as a sensitive interface height control area.

(45) The boundaries of the quarry and its proposed buffers impact upon at least two other landholdings within the BNWNPSP area, BN -04 and 06 as shown on the land budget Plan (Figure 3) to the west and south of the affected land.

(46) To the north, outside the PSP, at least 4 lots are affected by the proposed buffers although I understand these may be in one ownership.

[16] BNWPSP November 2021 page 9

(47) Aside from the works authority area, the buffers would overlay approximately 220 ha of land, approximately 151 ha of which is identified in the PSP or planning scheme for residential purposes.

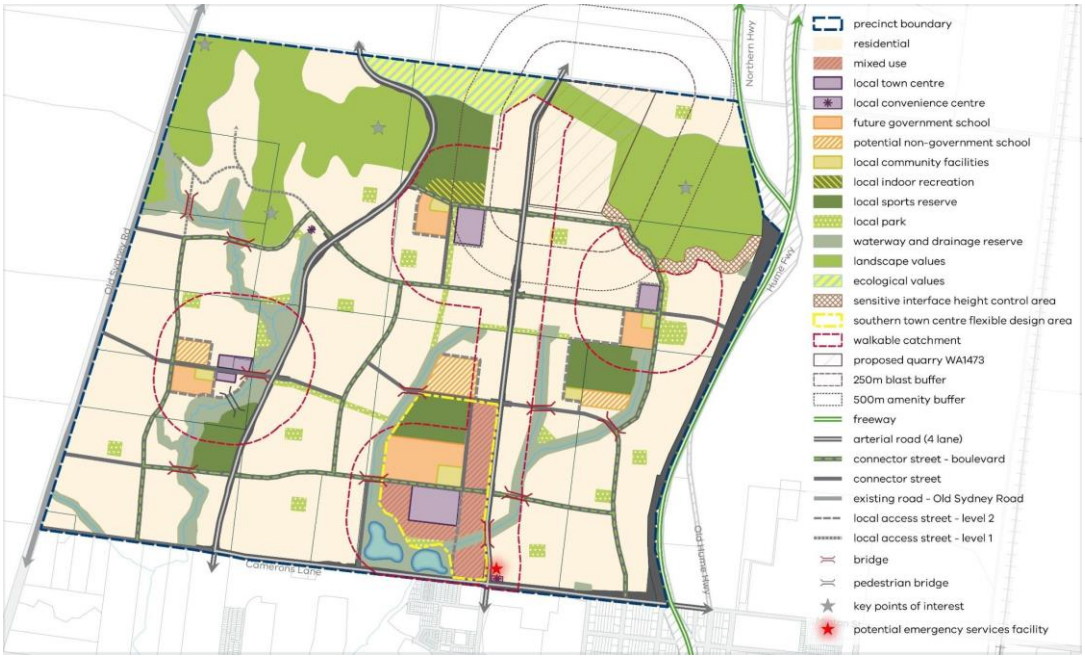


Figure 2: Future Urban Structure – Beveridge North West Precinct Structure Plan (2021)

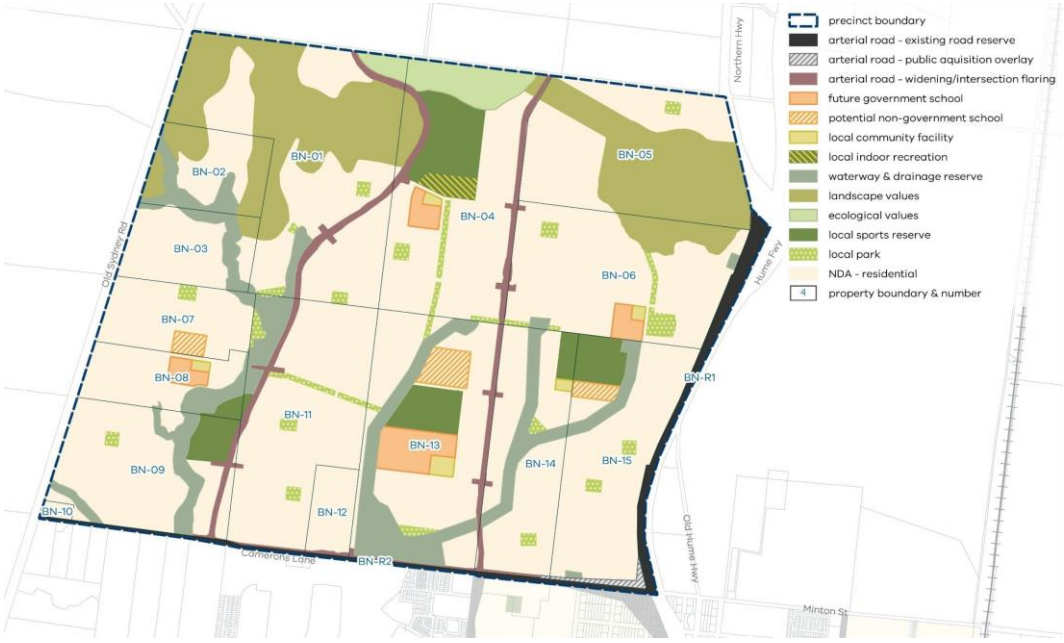


Figure 3: Land Use Budget – Beveridge North West Precinct Structure Plan (2021)

(48) The land directly affected by quarrying and indirectly affected by buffers includes:

- a major north south 4 lane arterial road,
- A connector street – boulevard.
- Two local town centres,
- Two local parks,
- areas to be developed for conventional residential development,
- areas acknowledged as having landscape values,
- large areas intended for higher density residential development because they are located within walkable catchments of proposed activity centres (Figure 2).

4.1.2. Statutory provisions

Zoning

(49) The Schedule to the Urban Growth Zone Schedule 3 replicates the amended *Urban Structure Plan.*

(50) The residential areas covered by the quarry and its buffers would be included in the applied General Residential Zone save for the areas in the sensitive height control area that would have the Neighbourhood Residential Zone applied.

(51) The land north of the PSP is included in a Farming Zone and is subject to the *Wallan Town Centre Master Plan and Urban Design Framework* (**Framework**) which is part of the subject of *Local Area* policy for Wallan.[17]

(52) The Framework provides for the area to be used and developed as *Conventional Residential Potential.*

[17] Clause 21.11.9 MPS

Overlays

(53) The north-east quadrant would be affected principally by the Specific Control Overlay Schedule 2 and its reference to the Incorporated Document. The following highlights key features but should be read alongside the full text.

(54) The Incorporated Document clarifies the purposes of the control. It:

- Intends that any permit that issues would be for a fixed duration.
- Should coordinate the implementation of the BNWPSP so that it does not prejudice the operation of the extractive Industry for the designated extent and duration of the permitted activity.
- Identifies and protects the buffer areas for the extractive industry during its duration.
- Seeks to secure the rehabilitation of the land once extraction ceases.

(55) Aside from requiring a permit for stone extraction and associated buildings and works key features of the Incorporated Document and the conditions that must be included in any permit that is issued include:

- The Incorporate Document would expire if a permit has not issued for the 'Extractive Industry Site' by 31 December 2027 and if it has issued both the permit and the Incorporated Document would expire on 31 December 2052.
- A permit issued in accordance with the Incorporated Document would also expire if the uses has not commenced within 5 years of the date of issue.
- The rehabilitation of the site to a condition suitable for development and integration in accordance with the PSP must be complete by 31 December 2052 (essentially 30 years from the present date).
- Blasting, other than associated with rehabilitation must cease no later than 20 years from the commencement of the use.

- Nominated sensitive uses which would be prohibited within the Extractive Industry Sensitive Use Buffer Area and the Extractive Blast Buffer Area prior to 31 December 2027 and which would be discretionary after that date.

- Buildings, works and subdivision would be discretionary at all times

(56) A number of overlay specific decision guidelines are advanced.

5. C158MITH - ASSESSMENT.

5.1. The need for further refinement

(57) Amendment C158 and the redrafted BNWPSP are a response to the recommendations of the C106 panel as they apply to protection and extraction of stone resources as an interim use ahead of urban growth and development, but they warrant further development and refinement to provide for the orderly planning and development that is required.

(58) Required refinements include:

- Revised and improved strategic and precinct structure planning to respond to the direct and indirect implications of quarry activity on the timely and cost-efficient delivery of physical and community infrastructure and the establishment of functional neighbourhoods.
- The approach to the establishment and control of buffers.
- Strengthen of the probability that any quarrying that is undertaken will be consistent with agreed and appropriate operational and community development milestone / timelines, including the rehabilitation of the site for its intended urban role.

(59) These matters are considered more fully below.

5.2. Strategic and structure planning resource extraction

5.2.1. Concerns

(60) The revised PSP has not:

- adequately acknowledged the relevant competing strategic planning objectives and their land use and structure planning implications.

- appropriately embraced or interpreted the implications for the establishment of two activity centres or significant infrastructure provision arising from a concurrent quarrying operation on a portion of the PSP land,

5.2.2. Discussion

(61) Amendment C158 as it applies to the concurrent consideration and potential implementation of stone extraction and growth area development, is set in the context of:

- a sub - regional corridor plan that did not effectively identify or prioritise resource recovery in this locality,
- a structure plan that was advanced without an expectation of integrating quarrying ahead of urban development,
- a Works Authority predating the precinct structure planning for Beveridge North-West.

(62) The C106 panel report correctly noted that the policy framework around extractive industries and resource protection has arguably been poor in recent decades and nominated 2016 as a time from which government has been far more active in protecting resources.

(63) While *Planning Practice Note 92 - Managing buffers for land use compatibility* (2021) does not explicity reference extractive industries its discussion on land use conflict, strategic planning and the use of buffer distances in a green field context is a useful guide to the principles and practice that should apply to the attainment of land use compatibility through strategic planning.

(64) ***"The importance of strategic planning***

> *As reflected in the Planning Policy Framework, the priority when planning land use and development is avoiding land use conflict in the first place. This involves understanding where existing industry and other uses with potential off-site impacts are and ensuring current zoning appropriately protects operators and surrounding communities. It also means making sure that sensitive uses and future*

urban growth are directed away from areas that could be affected by off-site impacts."

(65) With reference to avoiding land use conflict in green field areas the advice notes.

"Greenfield areas are typically still in the process of being developed, and therefore may not suffer from existing land use conflict. However, while buffers for industries and other uses established in greenfield areas often remain intact it is crucial that zones and other land use planning tools are used to prevent land use conflict from occurring in future – especially in the face of strong urban growth pressure."

Industries and other uses with potential off-site impacts should be clearly identified so they can be considered early in the strategic planning processes and in the development of precinct structure plans.

(66) If weight had been given to that commentary from the outset, the background, composition and content of the PSP should be different to that exhibited.

(67) To illustrate this observation the *revised Beveridge North-West Precinct Structure Plan Background Report* – November 2021 (**Background Report**):

- Does not include reference to the fact that the whole of the PSP area is included in an Extractive Industry Area EIIA 884011,[18] and proceeds straight to the circumstances of WA1473 and the most recent outcomes of C106 without considering that there might be important stone resources outside the boundaries of the extraction site but in the EIIA.
- Considers geology only with reference to soil suitability for urban development and omits to consider the implications for the planning and development of the PSP and the soil conditions and scenarios that might arise from quarry and rehabilitation.
- Does not analyse, discuss or make recommendations to mitigate the implications for the early, timely, cost effective and coordinated delivery of physical and

[18] The circumstances surrounding this EIIA area are reviewed fully in the Panel Report to C106.

community infrastructure when part of the PSP cannot or might not be able to be brought forward for timely development.

- Does not consider the implications for the sequencing and staging of development if part of the PSP area is not available for decades due to quarrying.

(68) Similarly, the revised **BNWPSP** and its *Urban Structure Plan* or infrastructure funding and staging plan should have been revised to avoid and address a situation in which:

- a significant portion of the catchment and two proposed town centres would be unable to be developed because they are located on land that might be unavailable for development over decades after.
- a major collector road linking Beveridge North-West with Wallan South and located in the indicative buffer areas would be unlikely to be delivered while adjoin land cannot be developed.

(69) While the proposed urban structure, *Requirements* and *Guidelines*, of the PSP follow the template of typical PSPs and envisages an optimum 'choreographed' outcome shortly after 2053, I am concerned that there has been no apparent thought given to a contingency plan or 'Plan B' for a quite plausible scenario in which the quarry, despite all the pre -planning, planning permit conditions, agreements and commitments, is not able to be rehabilitated to a standard suitable for integrated urban development or within the time frames sought.

(70) Such an outcome would have a significant impact not only on the proposed structure and components of the plan but also the ability to fund the works and establish communities with access to the services and facilities intended by the PSP guidelines.

(71) A robust and fully interrogated structure plan should be responsive to both optimum and suboptimal outcomes.

5.2.3. Conclusions and recommendation

(72) The revised PSP has taken a minimalist, 'bolt on' approach to amending the earlier structure planning to enable possible quarrying and temporary use of the land for stone extraction.

(73) In so doing it has not properly or appropriately accounted for the actual and possible implications of that change on the orderly development of the community surrounding and impacted by such use over decades.

(74) It is recommended that the background report and PSP are revised to ensure that the urban development and important physical and community infrastructure, located outside the extraction site and its buffers can be viably established in a timely and cost-efficient manner, without dependence on the works site.

5.3. Timely and achievable outcomes

5.3.1. Concerns

(75) The proposed Incorporate Document:

- Lacks supporting evidence to justify the nominated timeframes.
- Does not provide for agreement and commitment to achieve the stone extraction and urban development outcomes,
- Could create an inappropriate administrative burden and planning outcomes by enabling applications for discretionary uses within the blast and amenity buffers after the January 2028.

5.3.2. Discussion

(76) The earlier policy discussion has advanced the strategic justification upon which a structured time constrained approval, with milestones, could be applied to stone extraction to achieve the multiple and competing land use outcomes, on the same area of land.

(77) The earlier review of the amendment has drawn attention to the proposed time frames and milestones advanced in the exhibited material.

(78) Reading the relevant background material, the documentation supporting the permit application and the Panel Report on Amendment C106 highlights major differences

rather than clear alignments of opinion and advice between the stakeholders on the time required to extract the stone material and to rehabilitate the quarry.

(79) It is not clear how the exhibited 20 years of blasting (from the commencement of the use) and 30 years for the life of the quarry were reached, although such an outcome would make a rehabilitated quarry the last stage in an urban development time frame that would extend beyond 30 years.

(80) The construction of the Incorporated Document would enable commencement any time within 10 years (5 years to gain permit approval and 5 years to commence works) and blasting could continue for no more than 20 years after commencement (that is in theory blasting and excavation could be occurring simultaneously to filling up to almost 30 years hence) provided rehabilitation is complete by December 2052.

(81) A matter warranting more fulsome consideration and reference in any permit that issues is the realistic process and time required to be protected for the rehabilitation of the quarry to the required standard. I would anticipate this being determined once the order of extraction and the cubic capacity of the excavation is understood and would form a required condition in any permit that issued.

(82) The rehabilitation task in this matter presents a range of challenges not usually encountered with quarry restoration and should not be underestimated in their implications and complexity.

(83) The application material has indicated the proponent intends to fill the site so that the contours of the site broadly replicate the pre-excavation conditions, requiring engineered filling in the order of 20 metres plus on some parts of the site.

(84) To be able support urban development and provide for reticulated services across the rehabilitated site will require considerable care in the selection of fill material and how it is placed and laid, if no later settlement and movement in subsurface soils is to occur.

(85) I have prior and extended experience over 5 years with a similar project restoring a Vermont clay quarry to be a business park. Despite the best of advice and appropriate investigative studies the lived experience was nothing like the original plan with the contract time frame and project budget doubled and method of site rehabilitation

significantly changed. The lesson from that and other quarry projects should be to expect the unexpected.

(86) A high level of care, attention to detail and demonstrable assurance will be warranted to overcome and / or avoid any stigma associated with building and living on land known to have been extensively filled, post quarrying.

(87) These considerations are likely to have a notable bearing upon the time frame required to achieve an outcome suitable for development and will be influenced by the accessibility, suitability and availability of material to be imported at the time.

(88) While the permit and Incorporated Document expire at December 2052 it is not clear what consequences would flow if the rehabilitation was not completed.

(89) For there is to be a high probability of any time frames and milestone being met there needs to be

- an appreciation of not only the planning authority's desired time frames but also an understanding from the proposed operator or suitably qualified independent experts as whether those time frames are reasonable, feasible, and achievable.
- a written agreement and commitment between the responsible authority and the operator and any successors, to abide by and achieve the terms of the Incorporated Document and the conditions of any permit that issues, with agreed penalties or rectification measures that would apply in the event of a default.

(90) I am not qualified to comment on the actual or appropriate dates advanced in the Incorporated Document, or any permit or agreement. Those dates should be the subject of Panel recommendations having heard the submissions and evidence of the various parties.

5.3.3. Conclusions and recommendation

(91) The time frames need to be an appropriate balance between securing a reasonable amount of the resource ahead of integration with the orderly and timely development of the new community.

(92) It is recommended to include:

- a minimum rehabilitation period and progress monitoring provision in the required planning permit conditions.
- a requirement for a section 173 agreement to be entered into between the responsible authority and the operator and any successor as detailed above.

5.4. Control of buffers

5.4.1. Concerns

(93) The issue of the need for and control of buffers to a stone extraction operation is the subject of not only planning policy, but also recent Planning Practice Note

- *Note 89 – Extractive Industry and resources* (2020), and

(94) The provision of internal or external buffers is an important consideration in this context.

5.4.2. Discussion

(95) The policy context is explicit in placing the onus upon quarry operators owning or controlling the required buffers.

(96) The matter of external and internal buffers was the subject of detailed consideration by the Panel in the recent *Whittlesea Amendment C 241wsea – Shenstone Park Precinct Structure Plan* which is of relevance in this matter given that it addressed:

- quarrying inside the UGB in the North Growth Corridor,
- the identification of buffer distances and the timing, use and development of land within buffer areas,
- the implications and consequences of quarrying and buffers with the benefit of the Panel report to amendment C106 on BNWPSP.

(97) Important points of distinction between Shenstone and BNW were that:

- Woody Hill quarrying (Shenstone Park) was a long and lawfully established use in the PSP and buffer areas were a pre-existing condition established on land historically used for farming.

- Other examples put to the Panel of external buffer areas in PSPs (Mt Aitkinson, Tarneit Plains and Sunbury South) were applied around existing quarries rather than proposed, unapproved, quarries.

- The proposed uses in the buffer area to the existing Woody Hill quarry were non sensitive industrial and employment purposes compatible with the purpose of the buffer and therefore might be established in the shorter term outside the blast buffer zone.

- In so far as a further new quarry was to be established, located outside the Shenstone PSP boundaries, the vast majority of the buffer was over land required to be conserved for environmental reasons and therefore avoided and minimised the potential for conflict and delay of the release of urban land.

(98) Submissions and evidence to the Shenstone panel were to the effect that:

- internal buffers controlled by the operator were consistent with State policy,

- internal buffers may not be always possible,

- the planning system does not (other than in exceptional cases) allow for a landowner to make use of, blight, or acquire rights over another person's land for no cost.

(99) The Panel despite those submissions and in the context of established quarries and buffers concluded as a matter of principle, external buffers are strategically justified to protect the stone resources in the relevant quarry.

(100) The SCO is advanced in C158mith over a considerable area of land not owned or currently controlled by the quarry operator and which has not been historically encumbered by buffer areas.

(101) Complicating this concern would be the affected landowners' expectations of development potential and timing which have been created and heightened by the background of strategic planning and zoning of land associated with BNWPSP.

(102) While the terms of the Incorporated Document seek to place boundaries and limits on the duration upon which their land cannot be developed, under various downside scenarios that is neither certain nor assured, and the fact remains that there may be negative impacts on contiguous areas, facilities and infrastructure to the overall detriment of the corroder and / or the precinct.

(103) While it might be held to be orderly development to secure the removal of the resource, it might be equally said that it is neither fair nor economical, within the meaning of those terms as they appear in the *Objectives of Planning* in Victoria[19], for those owners to:

- incur substantial constraints on the use and development of their land,
- bear the cost of the community benefit arising from resource extraction,
- facilitate the earnings of the operator,
- bear the cost of maintaining their land for a period extending over three decades.

(104) If the operator cannot secure the required external buffers, then it is also appropriate to consider whether the boundaries and extent of the quarry should be respectively tightened and reduced so that they can control a greater proportion of the buffer and the off-site impacts of the quarry.

(105) Just because a works authorisation exists for specified area and boundaries, does not constrain a responsible authority requiring a different boundary and buffer area, to meet the expectations of the planning policy framework.

(106) This approach and opportunity would enable the property market and neighbours to negotiate an arrangement whereby the operator can maximise the potential yield from

[19] Section 4 Planning and Environment Act 1987

the quarry while the neighbour is not encumbered with land, costs and constraints arising from holding buffer land.

(107) The PSP and the Incorporated Document should make it clear that land held in buffers is expected to have a long-term urban role. This would also set the commercial and valuation context for the negotiation. An operator and adjoining land owner would be mindful that in acquiring the buffer the operator would in effect be 'land banking' future urban land and this would be reflected in the negotiation.

(108) I am not qualified to comment upon the adequacy and location of the indicative buffer zones as they relate to mitigating noise, dust, movement and blasting.

5.4.3. Conclusions and recommendations

(109) There is strategic justification to uphold the policy expectation and need for the operator to demonstrate substantial if not complete control or ownership over required buffers before a permit issues or as a condition of approval.

6. MERITS ASSESSMENT – PLANNING PERMIT APPLICATION – PLP 268 / 2020.

6.1. Key attributes of the permit application

(110) The principal features of the planning permit application can be summarised as:

6.1.1. The Site

- Site is to be confined to an area the subject of a draft Works Authority forming part of a larger certificate of title.
- The site and its' buffers are located in land covered by the Rural Conservation Zone, Urban Growth Zone and the Farming Zone.
- The North Growth Corridor Plan identified the majority of the Site being located in an area of Landscape Value and serving the role of an inter - urban break (Figure 1).

6.1.2. Use and development

- Temporary use of the land for stone extraction.
- Access via a new crossing on the Northern Highway,
- Various incidental operational buildings, plant and equipment.

6.1.3. Extraction and buffers

- Extraction of 17 million tonnes, or approximately 400,000 tonnes per annum for 10 years and approximately 700,000 tonnes per annum thereafter.
- Blasting to occur 5 days per week for an estimated 30 years and the quarry is said to *"have an approximate lifespan of 30 years"*,
- A 4 phase, counter-clockwise excavation plan commencing adjacent to the west boundary of WA1473.

- Internal boundary tree planting around the perimeter of WA1473 except for an external second row along the eastern boundary of the works on land in the same title as WA1473.
- A 500-metre amenity buffer that would be repositioned with the phasing of works, imposing a buffer on land to the north in Wallan South throughout the excavation period and for a shorter period on other land.
- The buffer provides for 100 metres to be provided internally, adjacent to the northern and southern boundaries of WA1473 with the balance to be provided externally by others.
- No corresponding rehabilitation buffer is detailed to address noise and dust post excavation.
- Extraction to take place from a high point of RL 328 to a depth of RL 293. – RL 296.

6.1.4. Rehabilitation

- A two-part rehabilitation process is advanced
    - A Rehabilitation Plan forming part of the Works Plan that that provides for provides for restoration of quarry batters post quarry and grassing and topsoil of the quarry floor while retaining a sediment retention area.
    - A Concept Development Plan to undertake further filling and compaction post the Works Plan with rehabilitation to RL 306-307m and subsequently to a maximum of RL313 m – "*to achieve levels conducive to development generally consistent with the Precinct Structure Plan*"

6.1.5. Staging

- The permit material proffers an estimates of land development sequencing, dwellings and land take up at Wallan South and Beveridge North-West up to 2049, alongside the 4 estimated phases of the extraction to suggest that quarry will broadly align with urban development roll out.

6.1.6. Works Authority 1473

- A draft work plan has been endorsed by the relevant government agency in April 2015 and the permit application relies upon a tracked changed version of that draft and endorsed plan, which would have to be approved at a later date.
- The extent of the Works Plan has been reduced to account for possible cultural heritage values to the north-west.
- The depth of the proposed works would be less than that detailed in 2015 (RL 293 rather than RL 278

6.1.7. Permit triggers

- Numerous as detailed in the Tract planning report accompanying the permit application

6.2. Commentary

(111) There are serious short comings with the application proposal that justify refusal of a permit.

- The applicant has not demonstrated that it owns or controls the external buffers as sought be the planning policy framework.
- The proposal has not had regard to its impacts and implications on the BNWPSP as it has not nominated a date for the completion of full rehabilitation.
- The essential rehabilitation of the quarry to an assured standard suitable for future residential use lacks technical evidence and justification of its feasibility.
- The plans for the rehabilitated quarry, suitable for residential use, do not provide sufficient detail in terms of
    - cross sections to evaluate the degree of integration that would be achieved and
    - how they would integrate with an approved PSP.

- No time-line is attached to when the second stage of rehabilitation works would be completed nor any buffer distances advanced in support of that phase of the works.

- There is no bonding proposed for the conduct and completion of the second stage of rehabilitation.

- The logic of rehabilitating the quarry to the standard shown in the Works Plan is without purpose if the land is to be subsequently filled as detailed in the Concept Development Plan.

- Any rehabilitation plan for the quarry should integrate all filling required to make the land suitable for urban development and be required to be bonded.

- The proposed time-lines for extraction and the absence of time lines and buffer zones for completion of rehabilitation of the quarry would result in the proposal prejudicing the logical efficient and orderly future urban development of the land including the development of roads, public transport and other infrastructure. The later point is a decision guideline of the Urban Growth Zone.[20]

[20] Clause 37.07-7 MPS

7. CONCLUSIONS

(112) Amendment C158mith with its associated precinct structure plan for Beveridge North-West and statutory documentation require further review and development to be suitable for adoption.

(113) The matters warranting further consideration and revision include:

- The background report and precinct structure plan that have not been sufficiently revised to account for a range of plausible scenarios that might arise if part of the precinct is used for stone extraction ahead of urban development.
- The proposed Incorporated Document should include:
    - timelines and milestones that provide for the appropriate balance between the objectives of two competing and conflicting land uses
    - a requirement for a section 173 agreement to be entered between the responsible authority and the operator prior to the issue of a permit outlining commitments to be bound and abide by nominated timelines to critical stages and mitigation strategies or penalties in the event they are not met.
    - a requirement to nominate a minimum and necessary rehabilitation period; rehabilitation to a suitable residential standard and to levels generally consistent with the plan shown in Figure 14 of the Tract planning report .
    - a requirement that the operator or any successor shall be required to demonstrate that they own or control the buffer areas prior to the issue of a permit.

(114) The planning permit application PLP 268 /2020 should be refused based on the grounds advanced in section 7 of this report

Rob Milner
April 2022

ATTACHMENT 1 – WITNESS STATEMENT

EXPERT WITNESS STATEMENT

The following outlines the information requirements for expert evidence as set out in the Planning Panels procedures:

a. Name and address of the expert

Robert Milner, Principal of Kinetica. Kinetica is located at Level 25/500 Collins Street, Melbourne.

b. Expert's qualifications and experience

Robert Milner has an honours diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association. Relevant experience includes:

- 8 years as a planner in local government undertaking statutory and strategic work;
- 39 years' experience in private practice with various planning and property related consultancies;
- State and National President of the Royal Australian Planning Institute; and
- A member of the Local Government and Planning Advisory Council.

Robert Milner is recognised as a leader and expert in the field of urban and regional planning. He has given evidence before the Victorian Civil and Administrative Tribunal, Planning Panels Victoria, and the Supreme Court on many occasions. A Curriculum Vitae is included at Attachment 2 to this report.

c. Expert's expertise to make the report

Robert Milner has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

d. Private or business relationship between the expert and the party for whom the report is prepared

Robert Milner has previous provided evidence and conducted strategic planning projects for and on behalf of Mitchell Shire Council

e. Instructions that define the scope of the report

Robert Milner has been instructed by Maddocks Lawyers. Their letter of instruction is included at Attachment 3.

f. The facts, matters and all assumptions upon which the report proceeds

There are no facts, matters or assumptions upon which the report relies other than those explicitly stated in the report.

g. Documents and other materials the expert has been instructed to consider or take into account in preparing his or her report and the literature or other material used in making the report

Robert Milner has considered the documents and material contained within his briefing material and has reviewed additional documents referenced in the body of this report.

h. Identity of the person who carried out any tests or experiments upon which the expert relied in making the report and the qualifications of that person.

Not Applicable.

i. A statement summarising the opinion of the expert; any provisional opinions that are not fully researched for any reason; any questions falling outside the expert's expertise; and whether the report is incomplete or inaccurate in any respect.

A summary of Robert Milner's opinion is set out in the body of the report. There are no provisional opinions contained within the report. Robert Milner has not been asked any questions which fall outside of his area of expertise. The report is complete.

j. Signed declaration

I have made all the enquiries that I believe are desirable and appropriate and that no matters of significance, which I regard as relevant, have to my knowledge been withheld from the Advisory Committee

Robert Milner
April 2022

ATTACHMENT 2 – CURRICULUM VITAE

Robert Milner

Principal

Rob Milner is a respected strategic and statutory planner and a recognised leader of the planning profession in Victoria. He has had a high profile career spanning more than 40 years with extended periods of experience working for local government and in private practice. His clients have included many State government agencies (including planning, community development, justice, roads, growth areas and regional development), municipalities throughout Victoria, as well as a broad range of corporate and other private sector interests. He has a reputation for integrity, objectivity, an original style of evidence and for providing clear and fearless advice to proponents and objectors; the responsible authority; claimants and government agencies. Particular expertise is in complex and controversial projects, gaming matters, acquisitions and restrictive covenants.

Principal
kinetica
Melbourne, Australia
2019 – present

Director
10 Consulting Group Pty Ltd
Melbourne, Australia
2010 - 2019

General Manager - Planning
CPG Australia Pty Ltd
1999 - 2010

Director
Rob Milner Planning Pty Ltd & Savage Milner
1994 - 1999

Project Director
Collie Planning and Development
1991 - 1994

General Manager Town Planning
Jones Lang Wootton
1988 - 1991

City Planner
City of Box Hill
1980 - 1988

Planner
Perrott Lyon Mathieson Architects and Planners
1977 - 1980

Planner
Kirklees Metropolitan Borough Council, United Kingdom
1976 - 1977

Diploma in Town and Country Planning (First Class Honours)
Liverpool Polytechnic

Areas of Expertise and Experience

- Strategic studies, policy development and statutory implementation
- Expert evidence and advocacy
- Rob is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues. He is able to evaluate and form a robust opinion on complex matters quickly and has a capacity to mange a considerable body of work in an efficient and timely manner. Rob is also an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to ensure a viable and timely outcome. Legislative and planning scheme reviews and amendments
- Gaming policy and applications
- Restrictive Covenants
- Acquisition and compensation
- Organisation audits and process reviews

Rob's ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

He has committed to 'giving back' to a profession that has provided him with a rewarding career. As well as contributing to the development of the Planning Institute of Australia he has acted over the last two decades in the capacity of mentor for many younger planners. Additionally, he regularly attends and gives papers at professional development forums.

Associations

- Life Fellow Planning Institute of Australia (PIA)
- Fellow of the Victoria Planning and Environmental Law Association (VPELA)
- Former State and National President of the Planning Institute of Australia (PIA)
- Member, Planning and Local Government Advisory Council (1994 – 1999)
- Deputy Chairman, Future Farming Expert Advisory Group (2009)

kinetica

ATTACHMENT 3 – LETTER OF INSTRUCTIONS

DRAFT AMENDMENT Beveridge North West PSP and Quarry Application

MITCHELL SHIRE COUNCIL

MEMORANDUM TO EXPERT – PLANNING

INTRODUCTION

1. We act for Mitchell Shire Council (**Council**).

2. The area of Beveridge North West and Wallan South, both of which are immediately south of the township of Wallan, is an area destined to be developed for urban purposes mostly being residential development.

3. In 2020, there was a Panel hearing for an amendment which considered a new Precinct Structure Plan for the Beveridge North West area (**PSP**). When the PSP was exhibited, it was exhibited under an direction from the Minister for Planning that it not include a quarry in the vicinity of a volcano known as Spring Hill Cone.

4. Notwithstanding that Ministerial direction, the Panel that considered the Amendment C106 recommended that the PSP be revised so as to include a quarry. The Panel Report is provided in your brief.

5. The VPA have now revised the PSP and on 17 November 2021 released Amendment C158 and C161 (relating to the infrastructure contributions plan - **ICP**) for Beveridge North West, The revised PSP shows a potential quarry and proposed controls include a mechanism for an operator to apply for a planning permit for the quarry through following requirements in a document to be incorporated in the planning scheme (**Incorporated Document**). The Incorporated Document also sets out conditions which Council must impose on the permit if granted.

6. The revised PSP and amendment material can be found on the VPA's website here. We have also provided a copy of the amendment material, including Revised PSP and the Incorporated Document in your brief.

7. The Minister has appointed an Advisory Committee to hear both amendments together with the Permit Application for a quarry, which has been called in by the Minister.

8. The hearing is due to commence on **9th May 2022.** Expert witness reports are due on **Friday 22nd April**.

9. The terms of reference for the Advisory Committee are provided in your brief. Importantly, the Advisory Committee has been asked to assess the controls proposed to implement the panel's recommendation to include a potential quarry, but the strategic question of whether the PSP should include potential for a quarry is excluded. Assessing whether the current permit application for a quarry should be granted (under the proposed controls) is to be part of the Advisory Committee's recommendations as is whether the PSP makes appropriate provision for the potential for a quarry in the way that the balance of the urban structure is set out.

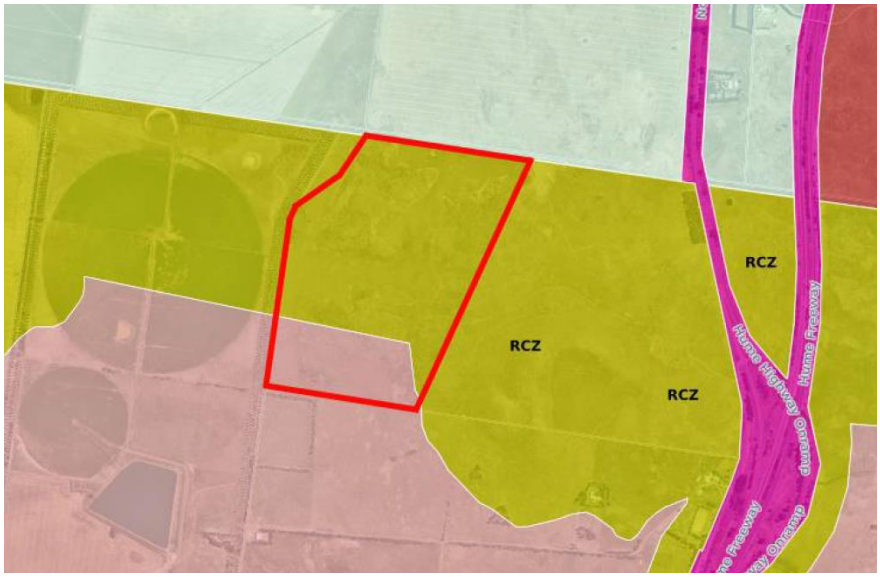
The proposed quarry

10. As you will be aware from your participation in the first round, Council strongly opposed the quarry when the matter was first before a panel. It was Council's primary submission that the quarry with a long life and which is uncertain in terms of its duration, makes it

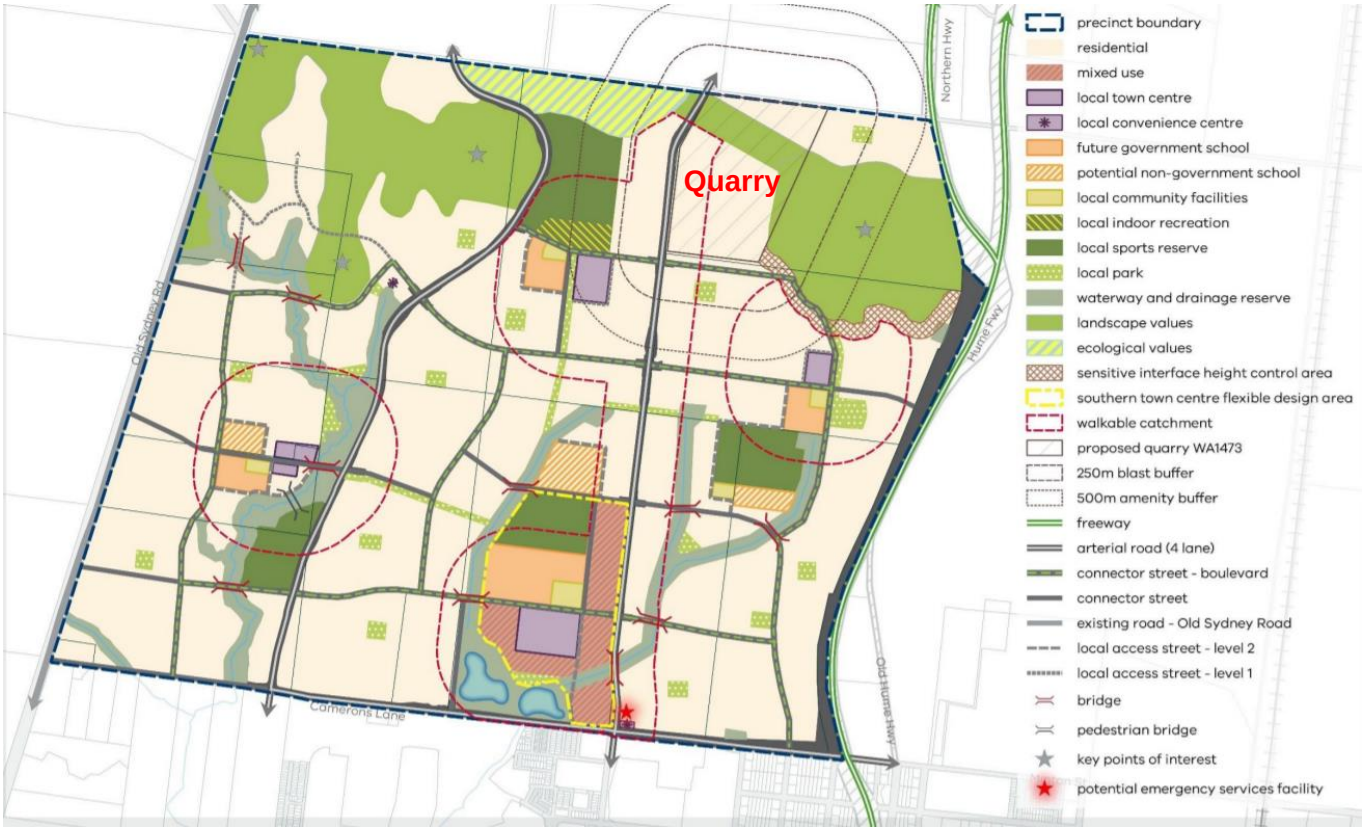
difficult to properly plan for the area, impacts upon the amenity of the area and makes it difficult to deliver infrastructure in a coordinated manner in a logical sequence.

11. The difficulties are created by the buffers required by the quarry that will impact in different areas at different times depending on the staging of the quarry and subsequently impact on the staging of urban development.

12. The current permit application for the quarry identifies the proposed staging of the quarry. The area of the proposed quarry is indicated in the map below and documents from the quarry application are provided in your brief. The Applicant has indicated the Permit Application will not be amended for the Advisory Committee hearing. As below, in its current form it is not consistent with the proposed controls which put a limit on the lifetime of the quarry. It may be that the applicant will argue that the limited life of the quarry would not be economic or is not consistent with policy.



13. The location of the quarry site and buffers in the context of the PSP is set out in the extract of the revised PSP below (label added by Maddocks).



14. The current application material (which we are advised is not proposed to be amended) advises that the quarry will extract up to 400,000 tonnes of material per year in the first ten year period. Following those years it is anticipated that up to 700,000 tonnes of material will be extracted per year.

15. Then, in the current material available with the application it is proposed to undertake the quarrying over the following phases while undertaking progressive rehabilitation:

- Phase 1 – 10 years
- Phase 2 – 7 years
- Phase 3 – 7 years
- Phase 4 – 6 years

16. The Tract Planning Application document provides information on staging. See commencing from page PDF57 and in particular around PDF92 of the Tract document in your brief. It is proposed quarry blasting activities would be contained to 30 years.

17. However, this proposed staging of the quarry and its life seems to be contrary to the requirements of the Incorporated Document, which requires a permit for a quarry to contain a condition limiting blasting to the first 20 years of the quarry's life (see clause 4.7). The PSP document also talks about limiting the extraction (i.e. not just blasting) to 20 years:

"The PSP will develop over a 20–30-year duration. During the development of the precinct, there may be a quarry as per Works Authority 1473. The Planning Scheme limits any extraction works in any quarry to an extraction timeframe of 20 years. Following cessation of any quarry and

rehabilitation to a residential standard, urban development will continue to develop as set out in the PSP."

18. The mandatory conditions for a permit in the Incorporated Document also require the land to be "completely rehabilitated" by 2052, "to a standard that facilitates the end use."

19. We note that in 2017 the Department of Jobs, Precincts and Regions (**DJPR**) commissioned a report prepared by Coffey that analysed the new basalt resource of the proposed quarry, provided in your brief. This was exhibited as a background report with the amendments/initial PSP considered by the 2020 Panel. The Coffey report noted that "the WA application shows a staged development for the quarry over a 40 year time period" and described the resource as:

    a strategic long term resource that is well placed to serve the northern development corridor for many years into the future.

20. Given the practical constraints of carrying out extraction of this resource and completing rehabilitation (including any necessary reclamation) by 2052, Council is concerned about the lifespan potentially being expanded by future Amendment of the provisions (if further restrictions are not imposed). This appears to be common place with quarries based on material led at the Shenstone Park PSP hearing which also concerned a quarry.

21. That will be addressed in Council's submissions to the Advisory Committee.

YOUR INSTRUCTIONS

22. You are kindly instructed to:

    22.1 review the documents in the briefing folder;

    22.2 provide us with a written preliminary views including commentary on the issues likely to arise from your experience and how any analysis that you undertake may be able to assist in providing an Advisory Committee with a better understanding of the issues in the context of the objectives of planning in Victoria, including:

        22.2.1 the way that the PSP proposes that the quarry be accommodated and its potential impacts on how the PSP is implemented;

        22.2.2 the impact of the proposed controls in the SCO proposed to be introduced by Amendment C158 in relation to the quarry

        22.2.3 whether the current Permit Application should be granted (under the proposed controls).

23. You are to note that the panel has already expressed the view that a quarry should potentially be accommodated. So it is not the accommodation per se but rather how the PSP proposes that the quarry be accommodated and the implications of that.

24. Subject to your preliminary opinion, we may engage you to prepare an expert witness report and appear at the Advisory Committee hearing in May 2022.

Fee proposal

25. Before starting any work, we kindly request you provide us with an electronic copy of your fee proposal for your preliminary review

26. Please also provide a schedule of fees and rates in the event that you are required to perform additional tasks in the future relating to this matter.

27. If your fee proposal is approved, all accounts for this matter should be referred directly to Maddocks (marked to the attention of Terry Montebello/Jess Orsman).

Maintaining client legal privilege and confidentiality

28. The advice you are being asked to provide may be relied upon for any future hearing or litigation and for the purposes of providing legal advice to our client. You must as far as legally possible treat all communications relating to the scope of works as confidential and subject to client legal privilege.

Other matters

29. Please find enclosed an indexed brief of documents. Kindly let us know if you require any further information or documentation.

30. Please contact Terry Montebello on 9258 3698 or Jess Orsman on 9258 3135 should you have any queries.

Dated: 8 March 2021

Maddocks

Maddocks

Brief Documents

No.	Document	Date
A. Procedural documents		
1.	Signed letter to Cr Rhonda Sanderson calling in permit application	24 February 2021
2.	Letter from the Minister of Planning to mayor of Mitchell Shire Council	26 October 2021
3.	Signed Terms of Reference – Beveridge North West Precinct Structure Plan, Supplementary Levy Infrastructure Contributions Plan and Quarry Planning Permit Application	26 October 2021
4.	Directions of Committee from hearing 4th February 2022	10 February 2022
B. 2020 Panel (Amendment C106)		
i. Planning Panel Report		
5.	Panel Report Beveridge North West Panel	7 October 2020
ii. Exhibited Documents Amendment C106		
6.	Precinct Structure Plan	August 2019
7.	Background Report	August 2019
8.	Explanatory Report	Unspecified
9.	Instruction Sheet	Unspecified
Maps		
10.	Rural Conservation/Urban Growth Zone	5 August 2019
11.	Deleted – Erosion Management Overlay	5 August 2019
12.	Deleted – Vegetation Protection Overlay	5 August 2019
13.	Incorporated Plan Overlay s4	Unspecified
Ordinance		
14.	Urban Growth Zone – 37.07s4	November 2021
15.	Incorporated Plan Overlay – 43.03s3	November 2021
16.	Docs incorporated in PSP – 72.04s	November 2021
iii. Conclave Statements		
17.	Economic Conclave Minutes - Final	22 July 2020
18.	Traffic Conclave State - Expert Statement	17 July 2020
iv. Expert Witness Reports		
Prepared for VPA		

19.	Frank Hanson (Landscape) (Frank Hanson) – Prepared for the VPA	6 July 2020
20.	Frank Hanson - Corrected pages 20 & 22 (Frank Hanson Urban Design)	July 2020
21.	Reece Humphreys (Transport and Traffic) July 2020 (GTA Consultants) – Prepared for the VPA	6 July 2020
22.	John Glossop (Planning) (Glossop Town Planning) – Prepared for the VPA	July 2020
Prepared for Mitchell Shire Council		
23.	Alex Hrelja (Economics) (Hill PDA) – Prepared for Mitchell Shire Council	6 July 2020
24.	Craig Czarny (Landscape) (hansen) - Prepared for Mitchell Shire Council	4 July 2020
25.	Craig Czarny - Appendix D Photomontage images (Council) (Hansen)	June 2020
26.	Justin Ganly (Economic Impact of Quarry) (deepend services) - Prepared for Mitchell Shire Council	8 July 2020
27.	Rob Milner (Planning) (kinetica) – Prepared for Mitchell Shire Council	July 2020
Prepared for Yarra Valley Water		
28.	Chris Abery (Economics and Development Sequencing) (Deep End Services) – Prepared for Yarra Valley Water	14 July 2020
29.	David Barnes (Planning Merits of Quarry) (Hansen Partnership) – Prepared for Yarra Valley Water	6 July 2020
30.	David Barnes – Summary presentation of Planning Evidence (Hansen)	July 2020
31.	Hilary Marshall (Transport and Traffic) (Ratio) – Prepared for Yarra Valley Water	6 July 2020
32.	Jonathon Fetterplace - Expert Development Evidence Presentation (A Different City)	August 2020
33.	Jonathon Fetterplace (Planning) (A Different City) – Prepared for Yarra Valley Water	3 July 2020
34.	Jonathon Fetterplace - Expert Planning Evidence Presentation - (A Different City)	August 2020
35.	Mark Woodland - Beveridge North West PSP (Planning) (echelon planning) – Prepared for Yarra Valley Water	July 2020
Prepared for Conundrum Holdings		
36.	John Malempre (Geological Assessment of Quarry) (CONMATS Consulting) - Prepared for Conundrum Holdings	July 2020
37.	Matt Ainsaar (Social Infrastructure) (Urban Enterprise) – Prepared for Conundrum Holdings	July 2020

38.	Matt Ainsaar - Presentation by (Urban Enterprise)	22 July 2020
39.	Robert Mellor (Economic Impact of Quarry) (Oxford Economics) – Prepared for Conundrum Holdings	July 2020
40.	Robert Mellor - Presentation (Oxford Economics)	July 2020
41.	Shayne Linke (Planning) (Contour Town Planners) – Prepared for Conundrum Holdings	July 2020
42.	Shayne Linke - PowerPoint - (Contour)	July 2020
43.	Tim Pollock (Quarry Buffers) (PEC) – Prepared for Conundrum Holdings	8 July 2020
Prepared for Balcon Beveridge Project Management		
44.	Mark Woodland (Planning) (echelon planning) – Prepared for Balcon Beveridge Project Management	August 2020
45.	Mark Woodland - Presentation - (echelon planning)	August 2020
46.	Niels Unger (Drainage) (LDeng) - Prepared for Balcon Beveridge Project Management	7 July 2020
47.	Niels Unger - PowerPoint (LDeng)	July 2020
Prepared for Crystal Group		
48.	Ali Abdou (Transport and Traffic) (TrafficWorks) – Prepared for Crystal Group	6 July 2020
49.	Allan Wyatt (Landscape & Visual Assessment) (Xurban) – Prepared for Crystal Group	July 2020
50.	Matt Ainsaar (Economics) (Urban Enterprise) – Prepared for Crystal Group and Walter Mott	July 2020
Prepared for WB & M Gilbo		
51.	Stephen Hunt (Transport and Traffic) (ratio consultants) - Prepared for WB & M Gilbo	3 July 2020
52.	Barry Murphy (Landscape) (Murphy Landscape Consultancy) – Prepared for WB & M Gilbo	3 July 2020
53.	Barry Murphy - Landscape Architecture Evidence (MLC)	August 2020
54.	Chris McNeill (Economic Impact of Quarry) (Ethos Urban) - Prepared for WB & M Gilbo	8 July 2020
55.	Chris McNeill – Presentation (Ethos Urban)	July 2020
56.	Jonathon Fetterplace (Development Staging) (A Different City) – Prepared for WB & M Gilbo	6 July 2020
v. Legal submissions		
VPA Part A Submission		

57.	Opening Presentation PowerPoint	July 2020
58.	Part A Submission Final	July 2020
59.	Appendix 1 Submissions Table	26 June 2020
60.	Appendix 2 to VPA (Tracked Changes)	August 2019
61.	Appendix 3 to VPA Part A (Clean)	August 2019
62.	Appendix 4 to VPA Part A (Tracked Changes)	August 2019
63.	Appendix 5 to VPA Part A (Clean)	August 2019
64.	In Situ Hard Rock Resources and Quarry Application (Harwood Andrews)	
VPA Part B Submission		
65.	Part B Submission Final	July 2020
VPA Part C Submission		
66.	Part C Submission Final	August 2020
Mitchell Shire Council Submission		
67.	Council submission - Final	22 July 2020
68.	Mitchell Letter from Minister	3 August 2020
69.	Council closing submission	13 August 2020
C. Background studies (as exhibited 2021)		
70.	Background Report - Revised	November 2021
71.	Aboriginal Heritage Impact Assessment (AHMS)	February 2014
72.	Post Contact Heritage Assessment (AHMS)	February 2014
73.	Targeted Cultural Values Inspection of PSP 1059 (Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation)	October 2019
74.	Groundwater Quality Assessment Final (Jacobs)	June 2014
75.	Hanna Swamp Investigation Report with Appendices (Alluvium)	June 2021
76.	Arboriculture Assessment (Tree Logic)	October 2013
77.	Scattered Tree Assessment (Ecology and Heritage Partners)	November 2013
78.	Community Infrastructure Assessment (ASR Research)	August 2020
79.	Bushfire Development Report (Terramatrix)	July 2019
80.	Strategic Transport Modelling Assessment (GTA Consultants)	December 2018

81.	Utilities Servicing and Infrastructure Assessment (Cardno)	March 2014
82.	Economic Assessment (Ethos Urban)	July 2019
83.	Wallan Beveridge Extractive Resource Analysis (Coffey Services)	November 2017
84.	Site Suitability Assessment (Jacobs)	July 2014
85.	Landscape and Visual Assessment (Planisphere)	October 2014
i. Infrastructure Designs and Costings (Cardno) (report and appendices)		
86.	Infrastructure Designs & Costings Part 1	November 2021
87.	Infrastructure Designs & Costings Part 2 Appendix A	November 2021
88.	Infrastructure Designs & Costings Part 3 Appendix B – Plans 1	November 2021
89.	Infrastructure Designs & Costings Part 3 Appendix B – Plans 2	November 2021
90.	Infrastructure Designs & Costings Part 3 Appendix B – Plans 3	November 2021
91.	Infrastructure Designs & Costings Part 3 Appendix B – Plans 4	November 2021
92.	Infrastructure Designs & Costings Part 3 Appendix B – Plans 5	November 2021
93.	Infrastructure Designs & Costings Part 3 Appendix B – Tables	November 2021
94.	Infrastructure Designs and Costings Appendices C-D	November 2021
D. Amendment C158 (PSP)		
95.	Explanatory Report - Consultation	November 2021
96.	Draft Precinct Structure Plan	November 2021
97.	PSP Changes Matrix	November 2021
i. Maps		
98.	Deleted - Erosion Management Overly	November 2021
99.	Deleted - Vegetation Protection Overlay	November 2021
100.	Specific Controls Overlay s2	November 2021
101.	Significant Landscape Overlay	November 2021
102.	Environment Audit Overlay	November 2021
103.	Zone maps (PPRZ, RCZ, UGZ)	November 2021
104.	Incorporated Plan Overlay s4	November 2021
ii. Ordinance		
105.	Rural Conservation Zone – 35.06s2	November 2021

106.	Urban Growth Zone – 37.07s	November 2021
107.	Incorporated Plan Overlay – 43.03s4	November 2021
108.	Specific Controls – Overlay 45.12s	November 2021
109.	Native Vegetation – 52.17s	November 2021
110.	Referral of Permit Apps – 66.04s	November 2021
111.	What does PSP consist of? – 72.03s	November 2021
112.	Docs incorporated in PSP – 72.04s	November 2021
113.	Extractive Industry & Buffer Area Incorporated Document	November 2021
E. Amendment C161 (ICP)		
114.	Draft Infrastructure Contributions Plan	November 2021
i. Maps		
115.	Incorporated Contributions Overlay s3	November 2021
ii. Ordinance		
116.	Infrastructure Contributions Overlay – 45.11s3	November 2021
117.	Docs incorporated in PSP (tracked changes) – 72.04s	November 2021
118.	Draft Explanatory Report	November 2021
F. Public Submissions on C161 and C158		
119.	Mitchell Shire Council – Redacted (964)	31 January 2022
G. Quarry Permit Application – [*Maddocks note: to be updated if further documents are provided by VPA*]		
120.	Cover letter	4 October 2019
121.	Tract Quarry Application Document (Planning Report)	4 October 2019
122.	Combined Title	23 July 2019
i. Plans provided with application		
123.	Quarry phasing and buffers	
124.	Rehab Plan	
125.	Building Plans	
ii. Supporting material		
WA1473 material		

126.	Draft work authority and conditions	
127.	Draft figures	September 2019
128.	Statutorily Endorsed Work Plan	22 April 2015
129.	Draft Work Plan	2019
Background resource and land capability		
130.	Hadfield Road Grazing Licence	22 June 2004
131.	Notes on road making materials in the vicinity of Melbourne	1956
132.	Extractive Industry Interest Area - Fig. 5	
133.	Background Technical Report: Land Capability (PB)	2009
134.	Melbourne Supply Area - Extractive Industry Interest Areas Review	2003
135.	Kilmore – Economic Geology Extract	1991
Other reports		
136.	V176580 Transport Impact Assessment	3 September 2019
137.	Northern Highway Wallan planning and Aboriginal heritage advice	6 September 2019
138.	Updated Dust Impact Assessment For Proposed North Central Basalt Quarry, Wallan	25 September 2019
139.	11178-R02 Environmental Noise Assessment	30 September 2019
iii. Permit referrals		
140.	Development Referral	15 November 2019
141.	Town Planning Response for Request 2626511	4 December 2019
142.	DELWP Response	6 December 2019
143.	Vic Roads - No objection subject to conditions	6 December 2019
144.	Melbourne Water Response	17 December 2019
145.	EPA Response	17 January 2020
146.	Health Response	17 January 2020
147.	BNW quarry - Section 52 - VPA referral response	6 February 2020
148.	DJPR Planning Referral Advice - Mitchell Shire Council - PLP26819	22 June 2020
iv. RFIs and responses		

149.	PLP268-19 - further information request as issued by Council	1 November 2019
150.	RFI Response - 175 Northern Highway	17 December 2019
151.	Attachment to RFI response: Land Capability Assessment and supporting letter from EnviroSep Australia	14 September 2015
152.	Attachment to RFI response: Site Access Road Area Map - Fig 12	
v. s 79 Application for review		
153.	Letter to VCAT encl. Application for Review	19 October 2020
154.	PNPE2 - Table 1 P1745 2020	
155.	Appendix 1 – Plan of subject site and nearby land uses	19 October 2020
156.	Appendix 2 – Letters to the adjoining landowners and occupiers	19 October 2020
157.	Appendix 3 – Registered objections	19 October 2020
158.	Appendix 4 – Permit correspondence	19 October 2020
159.	Appendix 5 – Aboriginal Vic Cultural Heritage Area	19 October 2020
160.	Appendix 6 – Planning and Aboriginal Heritage Advice	19 October 2020
161.	Council Decision and Report (within Minutes)	15 February 2021
162.	Statement of Grounds – Objectors [***TBC if there were any***]	
vi. s78 Application for Review		
163.	Letter to VCAT encl. AFR form	13 March 2020
164.	Reference 01 - Details of Facts Relied On and St	
165.	Reference 02 - Public Notice Requirements (Amended) full package	28 January 2020
166.	Reference 02 - Advertising Maps - 175 Nothern Highway, Wallan	24 January 2020
167.	Reference 03 – Fig 2 – Material Detriment Area	27 February 2020
168.	P4172020 - Permit Applicant Submissions	9 July 2020
169.	P4172020 - Council Submissions	9 July 2020
vii. VCAT Orders		
170.	P417/2020 - Order 30 April 2020	30 April 2020
171.	P417/2020 - Order 1 July 2020	1 July 2020
172.	P417/2020 - Decision on s 78 app - 21 September 2020	21 September 2020

ix. Correspondence		
173.	Letter to Best Hooper - Conundrum Quarry	7 July 2020

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